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Attorneys for Defendants  
JULIAN EGGBRECHT, THOMAS ENGEL and  
HOLGER SCHMIDT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JESSE HELTON; ALISHA PICCIRILLO;  
CHAD LOWE; individually and on behalf of  
all others similarly situated,

Plaintiff,

vs.

FACTOR 5, INC.; FACTOR 5, LLC;  
BLUHARVEST, LLC; WHITEHARVEST,  
LLC; JULIAN EGGBRECHT; HOLGER  
SCHMIDT; THOMAS ENGEL; and DOES  
1-100,

Defendants.

Case No. C10-04927

**STIPULATION REQUESTING  
RESCHEDULING OF SETTLEMENT  
CONFERENCE BEFORE MAGISTRATE  
LAPORTE; and ORDER THEREON.**

**Current Date: August 26, 2011  
Proposed Date: September 22, 2011  
Next CMC: September 14, 2011**

Hon. Sandra Brown Armstrong

**TO THE COURT:**

The parties hereto, through their respective counsel, do represent and stipulate as follows:

1. By Notice of Settlement Conference and Settlement Conference Order, entered on May 19, 2011, the Court notified the parties that the matter had been referred to Magistrate Judge Elizabeth D. Laporte for Settlement Conference; and that the Settlement Conference was scheduled for August 26, 2011.

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2. The Settlement Conference Order requires the presence of all parties with their counsel.

3. The three individual defendants, Julian Eggebrecht, Holger Schmidt, and Thomas Engel, all have a prior commitment on August 26<sup>th</sup>, in connection with the wedding of close friends.

4. Plaintiffs and their counsel are amenable to rescheduling of the Settlement Conference to accommodate the defendants' prior commitment, other than in the final week of September.

5. Magistrate Judge Laporte's clerk has indicated that September 22, 2011 might be available for the Settlement Conference, but that prior approval of the Court is required before the Conference can be rescheduled.

Accordingly, the parties request the Court's permission to reschedule the Settlement Conference.

DATED: June 3, 2011.

SMITH LILLIS PITHA LLP

BY: /s/ James Smith (SBN 190050)

JAMES SMITH

Attorneys for Plaintiffs

JESSE HELTON; ALISHA PICCIRILLO; CHAD  
LOWE; individually and on behalf of all others  
similarly situated

DATED: June 3, 2011.

BARTLETT, LEADER-PICONE & YOUNG, LLP

BY: /s/ Malcolm Leader-Picone (SBN 104620)

MALCOLM LEADER-PICONE

Attorneys for Defendants

JULIAN EGGBRECHT, THOMAS ENGEL and  
HOLGER SCHMIDT

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**ORDER**

Based upon the foregoing Stipulation of the parties, the Court orders that the Settlement Conference may be rescheduled to September 22, 2011, or such other date as the Magistrate Judge shall approve.

DATED: 6/14/11.

  
Hon. Sandra Brown Armstrong  
U.S. DISTRICT COURT JUDGE